

Applicant or Patentee: **GOLDSCHMIDT-CLERMONT et al**

Attorney's

Serial or Patent No.: **10/788,423**Dkt. No.: **1579-890**Filed or Issued: **March 1, 2004****PROGENITOR CELLS AND METHODS OF USING SAME****VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.27(a)(3)) -  
NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION **DUKE UNIVERSITY**  
 ADDRESS OF ORGANIZATION **Durham, North Carolina 27708-0083**

**TYPE OF NONPROFIT ORGANIZATION**

- University or other institution of higher education  
 Tax exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)  
 Nonprofit scientific or educational under statute of state of The United States of America  
 (Name of state \_\_\_\_\_)  
 (Citation of statute \_\_\_\_\_)  
 Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if located in the United States  
 Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in The United States of America  
 (Name of state \_\_\_\_\_)  
 (Citation of statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- the specification filed herewith with title as listed above.  
 application identified above.  
 the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention. If the rights held by the nonprofit organization are not exclusive, each person, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person who could not qualify as a person under 37 CFR 1.27(a)(1), or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Person       Small Business Concern       Nonprofit Organization

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Person       Small Business Concern       Nonprofit Organization

\*Separate verified statement is requested from each person, concern or organization named immediately above having rights to the invention, averring to his/her/its status as a small entity. (37 CFR 1.27)

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INDIVIDUAL SIGNING Robert L. Taber

TITLE IN ORGANIZATION Vice Chancellor, Science and Technology Development

ADDRESS OF INDIVIDUAL SIGNING 2020 W. Main St. Suite 10 Durham, NC 27705

SIGNATURE [Signature] DATE April , 2004

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(Domestic Assigned) Page 1

**RULE 63 (37 C.F.R. 1.63)**  
**INVENTORS DECLARATION FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PROGENITOR CELLS AND METHODS OF USING SAME**

the specification of which (check applicable box(s)):

is attached hereto  
 was filed on March 1, 2004 as U.S. Application Serial No. 10/788,423 (Atty. Dkt. No. 1579-890)  
 was filed as PCT International application No. on

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

**Priority Foreign Application(s):**

Application Number	Country	Day/Month/Year Filed
I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.		
Application Number	Day/Month/Year Filed	
80/450,340	28 February 2003	
60/474,236	30 May 2003	

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below.

Prior U.S./PCT Application(s):

Application Serial No.	Day/Month/Year Filed	Status: patented pending, abandoned
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby ask that all correspondence in this matter be directed to:

**Customer Number: 23117**

1.	Inventor's Signature:	<i>Pascal J. Goldschmidt</i>			Date: 4.23.04
	Inventor:	Pascal	J	GOLDSCHMIDT-CLERMONT	
	Residence: (city)	(first)	MI	(last)	(citizenship)
	Mailing Address:	CHAPEL HILL			NORTH CAROLINA USA / US
	(Zip Code)	819 OXBOW CROSSING RD.			
		27516			
2.	Inventor's Signature:	<i>Doris A. Taylor</i>			Date: 7/16/04
	Inventor:	Doris	A.	TAYLOR	
	Residence: (city)	(first)	MI	(last)	(citizenship)
	Mailing Address:	Saint Paul			Minnesota / Ramsey
	(Zip Code)	929 Lombard Avenue			
		55105			

**[x] See attached sheet(s) for additional inventor(s) information!!**

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Nixon & Vanderhye P.C. (10/99)  
(Domestic Assigned)

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As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint Inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROCENITOR CELLS AND METHODS OF USING SAME

the specification of which (check applicable box(s)):

- [ ] is attached hereto  
 was filed on March 1, 2004 as U.S. Application Serial No. 10/788,423 (Atty. Dkt. No. 1579-890)  
 was filed as PCT International application No. \_\_\_\_\_  
 and (if applicable to U.S. or PCT application) was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

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**Customer Number: 23117**

3.	Inventor's Signature: <u>Frederick M. Rauscher</u>	Date: <u>6-1-04</u>
	Inventor: Frederick (first) M. (middle) RAUSCHER (last)	US (citizenship) USA
	Residence: (city) <u>19730 SW 101 Av.</u>	(state/country) <u>FL</u>
	Mailing Address: <u>Miami, FL 33153</u>	
4.	Inventor's Signature: <u>Robert A. Judd</u>	Date: <u>5/14/2004</u>
	Inventor: Robert (first) MI JUDD (last)	US (citizenship)
	Residence: (city) <u>108 Burton Lane</u>	(state/country) <u>NC</u>
	Mailing Address: <u>Chapel Hill</u>	
	7751	
5.	Inventor's Signature: <u>Raymond Kim</u>	Date: <u>5-14-04</u>
	Inventor: Raymond (first) MI KIM (last)	US (citizenship)
	Residence (city) <u>111 Meadowmont Village Circle</u>	(state/country) <u>NC</u>
	Mailing Address: <u>Chapel Hill NC 27517</u>	